

JAN. 21. 2004 4:19PM

TOWNSEND & TOWNSEND

NO. 0577—P. 3/18

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Fax No. 1-703-872-9314 on January 21, 2004

PATENT  
Attorney Docket No.: 020366-056900US

TOWNSEND and TOWNSEND and CREW LLP

By:   
Tara N. Damhoff

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JAN 23 2004

**OFFICIAL**

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re application of:

Curtis L. Ashton et al.

Application No.: 09/200,631

Filed: November 30, 1998

For: FIBER TO THE CURB AND  
FIBER TO THE  
NEIGHBORHOOD POWER  
ARCHITECTURE

Customer No. 20350

Examiner: Eng, George

Art Unit: 2643

**COMMUNICATION**

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:


In response to the January 21, 2004 telephone enquiry of Examiner Eng, we have attached copies of an Amendment filed in response to the Office Action mailed in this case on June 18, 2003. The Amendment was filed by Express Mail on September 17, 2003, within the three month deadline established by the Office Action. As proof of filing, we have also attached copies of an Express Mail receipt dated September 17, 2003 and a postcard indicating that the Amendment was received by the U.S. Patent and Trademark Office on October 6, 2003.

Curtis L. Ashton, et al.  
Application No. 09/200,631  
Communication dated January 21, 2004

The Applicants respectfully request that the Amendment be considered timely filed, in light of the attached proof of filing. A Fee Transmittal form (also attached) was filed with the Amendment to cover excess claim fees, and it is believed that no additional fees are due with respect to this Amendment. If, however, a fee is due, the Examiner is hereby authorized to deduct any necessary fees from Deposit Account No. 20-1430 and to credit any overpayment to the same Deposit Account.

The Applicants believe that the claims as pending are allowable and therefore request a Notice of Allowance at an early date. If the Examiner has any questions about the filing status of the Amendment or would like to discuss the substance of the Amendment, he is invited to telephone the undersigned.

Respectfully submitted,

  
Chad E. King  
Reg. No. 44,187

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60123188 v1

JAN. 21. 2004 4:20PM

TOWNSEND & TOWNSEND

NO. 0577—P. 7/18

"Express Mail" Label No. EV 326935159 US

Date of Deposit September 17, 2003

Attorney Docket No.: 020366-056900US

PATENT

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Commissioner for Patents  
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By: Tara N. Damhoff

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Art Unit: 2643

AMENDMENT

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

In response to the Office Action mailed June 18, 2003, the following remarks are submitted:

Amendments to the claims are reflected in the listing of claims which begins on page 2 of this paper.

Remarks/Arguments begin on page 7 of this paper.